



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Ernest Guinn
County Attorney
El Paso County
El Paso, Texas

Dear Sir:

Opinion No. 0-4580

Re: Does the Certificate of Title
Act repeal the law governing
the transfer of automobile
house trailers and other forms
of moveable equipment?

We are in receipt of your request of May 1, 1942,
on the above question.

In your letter you state as follows:

"The Tax Assessor and Collector has received
a number of inquiries concerning the right of deal-
ers in house trailers to obtain certificates of
title in order to transfer such trailers and show
liens that may be against them. . . ."

"I have advised the Tax Assessor and Collect-
or that in my opinion the law was clear that house
trailers, or any vehicle other than one motor pro-
pelled, does not fall within the Certificate of
Title law, and therefore the laws in existence
which related to trailers prior to the Certificate
of Title law would still remain in existence, the
operation of which is outside of the jurisdiction
of the Tax Assessor and Collector's office.

""

Section 1 of Article 1436-1, known as the Certifi-
cate of Title Act, declares that the legislative intent in
enacting this law is to "prevent the theft of motor vehicles"
and to regulate "the sale of . . . motor vehicles".

Section 2 of Article 1436-1, provides:

"The term 'Motor Vehicle' means every kind
of motor driven or propelled vehicle now or

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hereafter required to be registered or licensed under the laws of this State." (Underlining ours)

No provisions of the Certificate of Title Act purport to deal with anything other than "motor vehicles" as defined above. It may be noticed that the registration statutes (Article 6675a-1, Subsection (b)) define a "motor vehicle" as "every vehicle that is self-propelled", and a "trailer" (Subsection (g)) as "every vehicle designed or used to carry its load wholly on its own structure and to be drawn by a motor vehicle".

We agree with your construction of the law to the effect that the Certificate of Title law does not purport to deal with any vehicle other than one motor propelled and therefore does not affect the laws in existence which relate to trailers and the transfers thereof.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

Alfred F. Herbelin
Alfred F. Herbelin
Assistant

AFH:mp

APPROVED MAY 21, 1942

Gerard Mann

ATTORNEY GENERAL OF TEXAS

